THE HON'BLE SRI JUSTICE B.PRAKASH RAO

AND

THE HONBLE DR.JUSTICE G.YETHIRAJULU

–

WRIT APPEAL NO.1869 OF 2005.

DATED:24-10-2005

Between

1.The Principal Secretary to Government,

Animal Husbandry & Fisheries Department,'

Govt. of A.P. Hyderabad and 4 others

….Appellants

And

Ms.Y.Susheela D/o Sri Y.Subba Rao

Fish Farmers Development Agency,

Kakinada, East Godavari district

…Respondent

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JUDGMENT (Per Sri B.Prakash Rao, J)

Heard both sides and at their request, the main appeal itself is taken up for disposal.

The appellants herein are the respondents in the main writ petition who filed this appeal seeking to assail the orders of the learned single Judge whereunder a direction was given to consider the case of the petitioner on par with the other cases which have already been considered and who are being continued in service and pass appropriate orders within a period of three months from the date of receipt of a copy of that order and in the mean while with regard to petitioner continuing in service, *status quo* shall be maintained as on that day.

The learned counsel for the appellants submits that in fact similar such request on merits was already rejected in batch of cases in W.P.No.5446 of 1997 and batch, dated
04-09-2005, wherein this Court has given a categorical finding that in the similar circumstances, employees are not entitled for the relief of absorption in Government departments wherever vacancies are available and in view of the same, the question of considering the case of the petitioner does not arise.

Having considered the submissions made and on perusal of record, it is curious to note that the judgment that is sought to be relied on by the appellants on all the aforesaid mentioned cases have not been stated before the learned single Judge while passing orders. Further having regard to the fact that a direction was given to consider the case of the petitioner on merits and there being no such positive direction nor any finding on merit, it is not necessary to go into the same now. It is also for the appellant to take into consideration the principles as laid down by this Court and pass orders on merits in accordance with law. Therefore, we do not find any reasons to interfere with the order passed by the learned single Judge.

Accordingly, the writ appeal is dismissed. No costs.

B.PRAKASH RAO, J

Dated: 24-10-2005.

Hsd

G.YETHIRAJULU, J

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